

Deepak Singh @ Deepak Kumar Singh Vs State Of Bihar

Court: Patna High Court

Date of Decision: Oct. 14, 2020

Acts Referred: Indian Penal Code, 1860 " Section 120B, 290, 272, 273
 Bihar Prohibition And Excise Act, 2016 " Section 30(a), 35(a)

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Dr. Bipin Kumar Chandra, Sharda Kumari

Final Decision: Dismissed

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Dr. Bipin Kumar Chandra, learned counsel for the petitioner and Ms. Sharda Kumari, learned Additional Public Prosecutor (hereinafter

referred to as the "APP" for the State.

3. The petitioner apprehends arrest in connection with Gaihat PS Case No. 11 of 2017 dated 22.01.2017, instituted under Sections 272/273/290/120B

of the Indian Penal Code and 30(a)/35(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner and others is that they were involved in the business of illicit liquor and were connected to the recovery of 793

bottles of liquor from the place of co-accused, Abhishek Kumar @ Vikku Singh.

5. Learned counsel for the petitioner submitted that the petitioner was neither caught nor is there any recovery from his possession or house and only

because of suspicion expressed by the people, the police have made him an accused. It was submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that there is huge recovery of liquor and though it is from the place owned by co-accused but such trade in liquor cannot

be done by one person alone and the petitioner is said to be as one of the partners in such criminal activity. It was further submitted that there was no

occasion for any false implication as the name was disclosed by the persons against whom there cannot be any allegation of any bias or false

implication. Learned counsel further submitted that the criminal activity is not done by persons from places or through means which directly connects

them to the crime as they take safeguards to disown any recovery, if at all, it takes place. Thus, learned counsel submitted that, for the present, there

is strong indication of involvement of the petitioner in the trade of illicit liquor.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-

arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.